

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 7020

Giuliano SCIOCCHETTI

Examiner: Larkin, Daniel Sean

Application No.: 10/530,626

Art Unit: 2856

Filed: December 30, 2005

For: Gaseous Product Detecting Device

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the election of species requirement dated August 15, 2007, in the above-identified application, with a one-month statutory period, making a timely response due on or before September 15, 2007.

Applicants herewith petition for a five-month extension under 37 CFR 1.136(a) and provide payment for such extension.

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ELECTION

The Examiner is requiring Applicant to select from the following single species and the claims directed thereto.

Accordingly, Applicant hereby elects Species I, directed to claims 14, 15, 16, 17, 18 and 19, with traverse.

TRAVERSAL AND RATIONALE FOR UNITY

Traversal based on unity of invention under PCT rules and is based on the following categorized by the species numbering provided in the Office action.

I: Species embodied in claims: 14, 15, 16, 17, 18, 19.

It is respectfully asserted that this is the more generic group of claims.

II: Species embodied in claims: 14, 15, 16, 17, 18 , 19 and 22, 23, 24 (Figure 4)

Claims 22, 23, and 24 put in evidence that the species in this group is characterised by the telescopic configuration of the second detecting device (claim 22). The dependencies of claims 22, 23, 24, put in evidence that such claims are related to mere variants of the same inventive concept.

In fact, claim 16 recites: "The detecting device as claimed in claim 15, comprising a second detecting element carried by said shutter surface." Thus the species II complies with the claim 16.

The device provides for two detector elements: the function of "shutter surface" is performed by the surfaces of the detectors.

Furthermore, claim 17 provides for only one detecting device fixed on the movable wall.

In such case the function of "shutter surface" is performed by the bottom of the cell.

Claim 22 depends on claim 18; claims 23 and 24, both depend on claim 22. Therefore they are to be considered as a simple alternative solution corresponding special technical features of the main embodiment.

The main technical feature consists in the piston member which incorporates a further piston member.

III: Species embodied in claims 14, 15, 16, 17, 18, 19, and 20 (Figure 2)

Regarding claim 20, this claims the detecting device as claimed in claim 18, wherein said piston member comprises a rod having a threaded outer surface.

The threaded rod, the only feature of claim 20, is to be considered as a pure technical variation on the main embodiment, which does not add anything and does not modify in any way the inventive concept.

IV: Species embodied in claims 14, 15, 16, 17, 18, 19, and 21 (Figure 3)

Regarding claim 21, this claims the addition of a return spring which should be merely considered a minor variation with respect to the broadest (basic) embodiment, which does not entail an additional inventive concept.

V: Species embodied in claims 14, 15, 16, 17, 18, 19, 25, and 26 (Figure 5)

Regarding claims 25 and 26, this embodiment, identified as Species V, is characterised by the separation between the function of aspiring and the function of shielding. Nevertheless, such feature cannot be considered as pertaining to a different inventive concept. In fact the device allows a joint motion of the two elements, so to obtain the same performances of the basic embodiment. Due to such joint motion the base configuration of the device is realised, having the same performances.

In summary, it is well known (Rule 13.2 PCT) that where a group of inventions is claimed, the requirement of unity of invention shall be fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

In the present case, all the species indicated by the Examiner are to be considered as based on the same or corresponding technical features. In fact all the technical features claimed in the alleged non-unitary inventions, contribute to improve the functionality of the device as defined in the independent claim.

In other word, all the embodiments related to the species identified by the Examiner, are only to be considered as variants of the main invention, as claimed in claims 14-19.

Conclusion

Based on the above arguments and explanation, one or more generic claims should be allowable and the claims as provided be considered in this application rather than restricted. The Examiner is requested to contact the undersigned attorney if there are any issues regarding this response that may be resolved via telephone conference.

Respectfully submitted,

Dated: 3/26/2008



Joseph Fischer
Reg. No. 51,210
Beusse Wolter Sanks Mora & Maire, P.A.
390 North Orange Avenue, Suite 2500
Orlando, FL 32801
Telephone: (407) 407-497-7437
Facsimile: (407) 926-7720
Email: jfischer@iplawfl.com